IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 6TH JULY 2006 / 15TH ASHADA 1928

Bail Appl..No. 4046 of 2006

CMP.2745/2006 of J.M.F.C.,VADAKARA
(CRIME NO.394/2006 OF VADAKARA POLICE STATION)

.....

PETITIONER/ACCUSED:

POKKAN, S/O. KANNAN,
AGED 70 YEARS, NELLIATTUKANDY MEETHAL HOUSE,
AYANCHERI AMSOM, DESOM.

BY ADV. SRI.LIFFY P. FRANCIS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4046/2006

DATED THIS THE 6TH DAY OF JULY, 2006

O R D E R

The petitioner was arrested with 8.460 liters of Indian made foreign liquor, each bottle containing 180 ml., on 18.6.2006 at 18.55 hours. He remains in judicial custody. Hence this application under Section 439 Cr.P.C.

2. During the hearing, the learned counsel for the petitioner submitted that the case against the petitioner is totally a fabricated one and he is a person aged seventy.

3. In the facts and circumstances of this case, and considering his age, though I am not satisfied with the explanation offered by the learned counsel, I am inclined to grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for

Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Vadakara.

(b). The petitioner shall report before the investigating officer, once in a week, on every Monday, between 10.00 a.m and 11.00 a.m., for a period of four months, starting from 10.7.2006.

(c). If the petitioner commits any act, in violation of the provision of the Abkari Act, the investigating officer shall bring the same to the notice of the Court below and in which event, the learned Magistrate shall cancel the bail of the petitioner, as per the law, without waiting for any further orders from this Court.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs